

October 1, 2001

MEMORANDUM

TO: Distribution List FAC

FROM: Mark S. Ward, Director, Office of Procurement

SUBJECT: Implementation of Overseas Acquisition Review
Procedures by the Contract Review Board (CRB)

Contract Information Bulletin 01-19

The purpose of this Contract Information Bulletin (CIB) is to implement new review procedures for acquisition instruments being awarded by overseas Contracting Officers. **Reviews will begin in FY 2002.** (These procedures were approved for overseas actions in an Action Memorandum signed by the Administrator on June 21, 2001 and summarized in an Agency Notice on July 16, 2001.)

The existing Office of Procurement Contract Review Board will be responsible for reviewing all new overseas acquisition actions exceeding \$10M in the first and second quarters of the fiscal year 2002. The CRB will also review overseas acquisition actions in the third and fourth quarters to the extent possible taking into account workloads and staffing limitations. We will reassess the situation prior to the 3rd quarter and I will determine whether the CRB or M/OP's Evaluation Division will review overseas actions in the third and fourth quarters.

This is a pilot program and will be effective from October 1, 2001 through September 30, 2002. At the conclusion of the pilot program, we will assess lessons learned before deciding whether to continue the pilot and how to change it, if at all.

Purpose of CRB Expansion to Include Overseas Acquisitions: The purposes of expanding the current CRB to include review of overseas acquisitions are to: 1) minimize vulnerabilities leading to potential protests, disputes, claims, and litigation against the Agency; 2) provide senior level advice on contracting actions and support to overseas Contracting Officers; and 3) reduce partners' complaints about inconsistency between like contracts.

Types of Procurement Actions Requiring CRB Review: All new acquisition actions (including IQC's) where the total estimated cost is expected to exceed \$10 million will require CRB review. The CRB will not review Requests for Applications (RFA's), assistance awards, incremental funding actions for acquisition and assistance instruments, and task/delivery orders issued against IQC's.

CRB Meeting Time: The CRB meets once a week during the first and second quarters; and twice a week during the third and fourth quarters of the Government fiscal year if needed. During the first two quarters of the fiscal year, the CRB meets every Tuesday from 1:30 PM to 3:30 PM. For the remainder of the year, the CRB meets every Tuesday and Thursday from 1:30 PM to 3:30 PM. Overseas procurement actions will be reviewed during the established CRB sessions as identified above. Other sessions may be scheduled based on availability of personnel and urgency of the procurement subject to approval by the Chairperson. Please contact the CRB Chairperson if you need to arrange to have a review completed at a time other than the established CRB sessions.

CRB Scheduling and Record of Recommendations: Actions subject to CRB review must be provided to the CRB members two business days prior to the scheduled CRB session. After the CRB has met and reviewed the pre-award documentation, the CRB Chairperson will forward via e-mail any recommendations within two business days after completion of the CRB session. If the responsible Contracting Officer does not receive an e-mail response from the CRB Chairperson within two business days, contract award may proceed. The total review process, therefore, should not exceed five business days.

Review of CRB Documentation: The Contracting Officer shall submit the following pre-award documentation to the CRB for review:

- 1) Sections L & M of the Solicitation
- 2) Negotiation Memorandum
- 3) Competitive Range Memorandum (may be a separate document or provided as part of the negotiation memorandum)
- 4) Technical Evaluation Memorandum
- 5) Contract (Award document): Sections A through I

Transmittal of Documentation: Pre-Award documentation should be submitted electronically to the mailbox identified as: CRB Overseas Reviews. Please "cc" the following individuals on your e-mail when transmitting the pre-award documentation: Anne Quinlan, CRB Chairperson; Mike Gushue, CRB Member; Gwen Little, CRB Member; and Kim Triplett, Chief, Evaluation Division. If electronic transmittal is not available, please DHL/FEDEX all materials to Kim Triplett, Evaluation Division, Office of Procurement for distribution to the CRB.

Enforceability of CRB Recommendations: The CRB committee members recognize that the Contracting Officer has discretion in making final decisions affecting procurement actions. Therefore, any recommendations made by the CRB are strictly advisory, but should be seriously considered by the Contracting Officer before award.

Dissemination of Issues/Trends Identified by CRB Process: M/OP/E will issue regular quarterly OP-wide summaries to formally disseminate issues/trends identified by the CRB process. The summary will also include issues/trends for assistance and task orders identified by M/OP/E reviews.